

REMARKS

This is intended as a full and complete response to the Restriction Requirement dated October 30, 2003, having a shortened statutory period for response set to expire on November 30, 2003. Please reconsider the claims pending in the application for reasons discussed below.

Claims 1 - 31 are pending in the application, and are subject to restriction and/or election under 35 U.S.C. § 121 as follows:

Group I: Claims 1 – 24, drawn to an apparatus, classified in class 118, subclass 52+; and

Group II: Claims 25 – 31, drawn to a method, classified in class 427, subclass 58+.

The Examiner has taken the position that the inventions of Group I and Group II are distinct from each other by concluding that Group I is an apparatus and Group II is the process for its practice. As such, the Examiner concludes that the inventions of Group I and Group II are distinct, as the apparatus of Group I can be used to practice another materially different process other than semiconductor processing, such as processing glass or wooden substrates. See, M.P.E.P. §806.05(e).

In response to the Examiner's restriction requirement, Applicants hereby elect, subject to the following traversal, claims 1 – 24 (Group I) for prosecution in the present application.

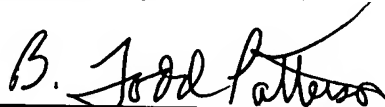
Applicants traverse the restriction and respectfully submit that the requirements for a proper restriction set forth in M.P.E.P. §806.05(e) have not been met. More particularly, M.P.E.P. §806.05(e) states that a process and apparatus for its practice can be shown to be distinct inventions if "the apparatus *as claimed* can be used to practice another and materially different process," and further, that "the burden is on the Examiner to provide reasonable examples that recite the material differences." Applicants submit that the Examiner has not met the burden of demonstrating that claims of Group I are distinct from the claims of Group II, and further, that the Examiner has not provided reasonable examples of the material differences in support of distinctiveness.

Applicants submit that the Examiner has provided two examples in support of the conclusion that the claimed apparatus (Group I) is distinct from the claimed method (Group II); first, that the apparatus may be used to plate on a wooden substrate, and second, that the apparatus may be used to plate on a glass substrate. Applicants submit that the Examiner's contention that the apparatus of Group I may be used to practice another materially different process other than semiconductor processing, such as plating on wooden substrates, is unsupported by the art and scientifically unreasonable. As such, Applicants submit that the Examiner's example of a wooden substrate is misplaced. Applicants further submit that the Examiner's citation to a glass substrate in support of distinctiveness is also misplaced, as processing glass substrates is known in semiconductor processing art. Therefore, Applicants submit that neither of the Examiner's examples support a conclusion of distinctiveness.

M.P.E.P. §806.05(e) further states that if the Examiner does not provide "reasonable examples" that recite the material differences, then the restriction requirement should be withdrawn. Applicants submit that the Examiner has not met the requirement of reasonable examples, as wooden substrates are unsupported by the art and glass substrates are included in the semiconductor processing art. Therefore, Applicants respectfully request the Examiner's withdrawal of the restriction.

Having addressed all issues set out in the Restriction Requirement, Applicant respectfully submits that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted,



B. Todd Patterson
Registration No. 37,906
MOSER, PATTERSON & SHERIDAN, L.L.P.
3040 Post Oak Blvd. Suite 1500
Houston, TX 77056
Telephone: (713) 623-4844
Facsimile: (713) 623-4846
Agent for Applicant(s)